

01-22-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1103-2
First Inventor Adebola OBAYAN et al.
Title Rapid Assay For Testing Overall Oxidative Stress
Express Mail Label No. EL 765220999 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 20]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages 5]
a. ☒ ~~Newly executed (original or copy)~~
Copy from a prior application (37 CFR 1.63 (d))
b. ☐ (for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent. Ck.\$1042. & \$130.
17. ☒ Other: Petition Under 37 CFR 1.84

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____/_____

Prior application information:

Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or



Correspondence address below

Name	Jeffrey S. Steen, Esq.				
Address	Dilworth & Barrese, LLP				
	333 Earle Ovington Blvd.				
City	Uniondale	State	New York	Zip Code	11553
Country	U.S.A.	Telephone	(516) 228-8484	Fax	(516) 228-8516

Name (Print/Type)	Jeffrey S. Steen	Registration No. (Attorney/Agent)	33,494
Signature		Date	December 18, 2000

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL765220999US addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Dated: January 19, 2000

(Name) Peter DeLuca

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,172.00

Complete if Known

Application Number
Filing Date
First Named Inventor Adebola OBAYAN et al.
Examiner Name
Group Art Unit
Attorney Docket No. 1103-2



METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 04-1121
Deposit Account Name Dilworth & Barrese, LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	\$710.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 710.00

2. EXTRA CLAIM FEES

Total Claims 34 -20** = 14 x Fee from below 18 = \$252
Independent Claims 4 -3** = 1 x 80 = \$80
Multiple Dependent 270 = \$0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 332.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	\$130
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

SUBMITTED BY

Name (Print/Type) Jeffrey S. Steen
Signature [Signature]
Registration No. (Attorney/Agent) 32,063
Telephone (516) 228-8484
Date January 19, 2001

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL 765220999 US addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Dated: January 19, 2001

(Name) Peter DeLuca

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

jc841 U.S. PTO

09/766522



In The Matter of Patent Application:

Applicant : OBYAN, Adebola; JUURLINK, Bernhard
Serial No. : Unknown
Filing Date : January 19, 2001
Title : RAPID ASSAY FOR TESTING OVERALL OXIDATIVE STRESS
Examiner : Unknown
Art Unit: : Unknown

Assistant Commissioner for Patents
Washington, DC 20231
BOX NEW APPLICATION

Dear Sir:

PETITION UNDER 37 CFR 1.84

The applicant requests that the Patent and Trade-Mark Office accept color Figure 4 in this patent application.

CERTIFICATION UNDER 37 C.F.R. § 1.10

hereby certify that this Petition and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date January 19, 2001 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL 765220999US addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231.

Dated: January 19, 2001


Peter DeLuca

The application teaches an assay which, in certain embodiments, relies on the formation of a colored product as a measure of oxidant levels.

In one embodiment of the invention there is provided a home kit wherein the subject assesses oxidant levels by visually assessing colored reaction products.

The applicant submits that color Figure 4 is the only practical medium by which to disclose the aspect of the invention directed to a visually assessed home kit method for assessing oxidant levels. In particular, it is instructive when considering this aspect of the invention to observe the color intensity obtained in this aspect of the invention. Such color intensity would not readily be evident in a black and white depiction of the subject matter of Figure 4.


In light of the forgoing, the applicant submits that it is appropriate that the Patent and Trade-Mark Office accept color Figure 4 for filing in respect of this patent application.

The Petition Fee required under 37 C.F.R. §1.84 is enclosed by check (\$130.00).

Three (3) copies of Figure 4 are enclosed with this Petition.

If any additional charge comes due or if there has been any overpayment in connection with the present Petition, authorization is hereby given to charge or credit deposit account no. 04-1121. A duplicate copy of this Petition is attached.

Respectfully Submitted,



Jeffrey S. Steen
Attorney for Applicants
Reg. No. 32,063

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